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Our concerns in America

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OUR CONCERNS IN AMERICA

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Miſcellaneous Repreſentations

RELATIVE TO

OUR CONCERNS IN AMERICA

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Submitted [in 1761] to the EARL OF BUTE, by HENRY M'CULLOH. Now firſt printed from the Original MS., with Biographical and Hiſtorical Introduction by WM. A. SHAW, *Editor of the 'Calendar of Treaſury Books and Papers'*

GEORGE HARDING
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INTRODUCTION

THE author of this tract was responsible for the financial proposal which provoked the American War of Independence. If the reference to the Stamp Duties, which will be found on p. 12 *infra*, stood alone, it might be possible to treat the writer as an irresponsible pamphleteer. But there are official papers among the Treasury Records at the Public Record Office and among the Newcastle and Hardwicke papers at the British Museum which establish Henry M'Culloh's claim to consideration as something much more than an irresponsible pamphleteer. The extracts which are here printed from these records prove conclusively that George Grenville was not the author or parent of the proposal to extend the Stamp Duties to the American Colonies; but that he took it ready cut and dried from the hands of an official, just as any modern minister does at the hands of the permanent

manent officials of his department. It is one of the ironies of history that the permanent official, the man who works in the dark, the one person who is in very truth the wire-puller, should pass away unnoticed, leaving his personal record almost untraceable, whilst the responsible minister, the mere puppet who dances to his directions, should have the fierce light of publicity beating ever upon him, should bear through all time the blame or praise for proposals for which he was merely the mouthpiece. It is so in this particular case. No one knows the name of Henry M'Culloh, and his personal record is most difficult to trace, whilst Grenville's name is held up to execration in every text-book.

It is probable that at the outset of his official career M'Culloh was connected with the Custom House, or he may have been in the Plantation Office. There are references to him as early as 1733 in the Treasury Records, and he had apparently acquired an exact knowledge of the financial affairs of the American Colonies. In 1738 he submitted to the Treasury two memorials concerning the Carolina quit rents, in which he laid bare the frauds which were practised in the disposal

disposal of lands and the collection of the quit rents there, and petitioned to be employed in the improvement of the said revenue. (See *Treasury Board Papers*, vol. ccxcviii., No. 38, and *Colonial Office Records: Plantations General*, vol. xii., No. 30.) The application was successful, for in the following year he was appointed Inspector for improving quit rents in North and South Carolina (Treasury minute of appointment dated January 2, 1738-9, royal warrant of appointment dated May 16, 1739). The instructions which were given to him for guidance in this employment are appended to the royal warrant, and may be read in the *King's Warrant Book: Treasury*, vol. xxxiii. pp. 281-91. It is clear that his duties brought him into sharp conflict with both populace and officials in the Carolinas, for the officials were as deep in the frauds connected with the grants of lands as the colonists themselves. A very interesting account of his experiences is contained in a series of papers which he forwarded to the Treasury in November 1741 (*Calendar of Treasury Books and Papers*, vol. iv. p. 503). In these papers he styles himself Commissioner for supervising, inspecting, and controlling His Majesty's

Majesty's revenues and grants of lands in the Province of South Carolina. It is also clear from the letters which will be noticed below that the provincials managed to starve him out. His salary was payable out of quit rents ; that is, out of such seizures as he should make. As in the course of a few years he was in arrear many hundreds of pounds with that salary, it may be inferred that the Colonists contrived to make his office of none avail, prevented discoveries and seizures, and so left him without a fund out of which his salary could be paid, and thus reduced him to extremities. In March 1744-5 he petitioned the Treasury to allow him to return to England, and that his salary might be paid out of the Four-and-a-half per cent. duty. This latter proposal the Treasury Lords declined to accede to (*Calendar of Treasury Books and Papers*, vol. v. p. 674).

After the New Englanders had captured Louisbourg in 1745 M'Culloh seems to have been transferred thither, for he subsequently describes himself as Naval Officer at Cape Breton. On the 29th of October 1746 he writes to Andrew Stone, of the Duke of Newcastle's Office, that he is proposing to sail at once from London

London to take up his new duty. 'The Foulston man-of-war will sail the latter end of this week, in which I propose to go passenger to Virginia and so proceed to Cape Breton as soon as I can,' and as his employment is new in that place, he asks for letters of recommendation from Stone, 'without which I may not be well looked upon by the Governor: I rely wholly upon your friendship for my support' (*Newcastle Papers*, Addit. MSS. 32,709, p. 119).

But at the peace of Aix-la-Chapelle in 1748 Cape Breton was given back to the French, and M'Culloh found himself out of employment. At the time when his letters in the *Newcastle Papers* begin he had been out of employment for upwards of four years, and he is besieging the Duke with applications for relief. The place he specially desired was the reversion to the Secretaryship of North Carolina, 'when there is a further account of Mr. Rice's death, who was given over by the physicians, when the last ship came from thence the 27th January last, with the gout in his bowels and stomach' (H. M'Culloh to the Duke of Newcastle, 26th March 1753, Addit. MSS. 32,731, p. 410).

But in this application M'Culloh reckoned without his host. Poor Mr. Rice did not die immediately of the gout in his bowels, and further, the petitioner experienced somewhat ill-tempered treatment at the hands of the Earl of Halifax, who was then President of the Board of Trade. On the 6th of April 1753 M'Culloh writes thus to the Duke:—

'I waited of Lord Halifax (in your Grace's name) yesterday, and I informed his Lordship of the death of the Secretary of North Carolina, which he was pleased to tell me he knew before, and asked me what of that, and was in a violent passion with me, and told me he was surprised that I kept running teasing your Grace so after [his] formerly telling me his resolution upon the first affair; and further insisted that I had never given your Grace in the state of the former affair, and that I asked everything, and that he supposed I wanted twenty places, and that I was one of those sort of people that could never be contented. I humbly beg'd his Lordship would be pleased to consider the great hardships of my case by my great loss of time, and I hop'd as he was no way engaged in this before your Grace's application for me, that he would be pleased to give me this or the first as either of them he thought proper wou'd content me, but his Lordship was far from giving me any promise or the least hopes.' (*Ibid.*, p. 338.)

The

The other place to which M'Culloh here refers was the naval office of the Lower District of James's River in Virginia. On the 22nd of June of the same year, 1753, he writes to the Duke as follows:—

'Lord Halifax promised Mr. Conolly that he would give me either the naval office of the lower district of James's river in Virginia or the Secretaryship of North Carolina, and that until he gave me the one he would keep them both open. The season being now far advanced it will be dangerous soon to go on the American coast, and unless something be done shortly it will be impossible for me to get out this year. And I have reason to fear his Lordship will not come to any determination which of those places he will give me until he hears from the Governor of Virginia. The many years I have been unemployed since the surrender of Cape Breton, and now this great uncertaintity in point of time, lays me under the greatest difficulties to support myself together with a wife and numerous family, which makes me now most humbly implore your Grace . . . to speak to Mr. Pelham that he will be pleased to grant me a small sum of money for a present relief untill I succeed, which is the only means and hopes I now have left to preserve my little family and self from utter ruin. Last year Mr. Stone was so good at the request of Mr. Conolly to apply to Mr. Pelham on the same subject

subject in my behalf, in answer to which Mr. Pelham told him it could not be done in His Majesty's absence, but when he returned he would do everything in his power to serve Mr. Conolly.' (Addit. MSS. 32,732, p. 86, and a further letter relating to the same subject in Addit. MSS. 32,731, p. 177, of date Feb. 13, 1753.)

In the *Court and City Register* Mr. Nathan Rice appears as the Secretary of North Carolina in the year 1756. If this was the same Mr. Rice who was troubled with the gout in his bowels, it would appear that he lingered on for some three years after the above applications of Mr. M'Culloh. But in the year 1757 Henry M'Culloh appears in the same Register as Secretary and Clerk of the Crown for North Carolina, so that his long period of anxious waiting had evidently been rewarded at last. In the succeeding volumes of the *Court and City Register* he occupies the same post in the years 1758 and 1760. The year 1759 is blank —he was possibly in England on furlough. The year 1761 is also blank, possibly also for the same reason. Then in the year 1762, and so thenceforward, Thomas Falkner appears as Secretary of North Carolina. In March 1761 M'Culloh

M'Culloh was living at Turnham Green, and he was certainly in London during the greater part of 1763. This is the last biographical fact which I have been able to ascertain about M'Culloh. But there are a few references to him during this last period of his life which transcend all the others in historical importance. In February and March 1756 he petitions the Duke of Newcastle for relief in connection with the meeting of the bills drawn on the Receiver of the quit rents in South Carolina (Addit. MSS. 32,862, p. 394; 32,863, p. 316; 32,864, p. 536; 32,866, pp. 156, 357). And in the following year he submits to the Duke a proposal for the introduction of Exchequer Bills of Union into the Colonies, with the object of enabling the provincial (that is, colonial) soldier to pass from province to province without having to use the local provincial bills (Addit. MSS. 32,874, p. 308). This proposal was an eminently practical one, and would have had an effect much wider than M'Culloh intended, had it been carried out. His purpose was simply to remove the one great obstacle to the general recruiting and service of the colonial soldier, but if carried out it must certainly have had the

effect

effect gradually of driving out the various paper currencies of the Colonies, and replacing them by English Exchequer Bills and bank-notes. Important as this proposal however was, it passes into insignificance by the side of the proposals which he advanced in the years 1761 to 1763. The first form of these proposals is doubtless contained in the present tract, the immediate object of which was twofold, viz. *firstly*, to convince Bute of the value of the Canadian possessions, and so raise a voice against the idea of giving back to France either Canada or Guadeloupe without some equivalent in the negotiations which ultimately resulted in the Treaty of Paris; and *secondly*, to suggest some source of taxation by which the Colonies could be made to contribute a quota to the cost of the late war. The proof of the deep impression which M'Culloh's paper made is contained in the *Hardwicke Papers* at the British Museum. Under date 10th October 1763 there is a long tabular statement running to twelve folio sheets, containing an exact scheme of the articles to be included in a Stamp Act. It is entitled 'A state of the several articles proposed by Mr. M'Culloh to be stamped, and the duties thereon; likewise a state of all

all the different articles which are now stamped in Great Britain, in order to fix upon the articles which are to be inserted in the law intended for imposing Stamp duties in America and the West Indies.' This paper is drawn up in three columns, the first giving 'the present English duties,' the second giving 'duties proposed by Mr. M'Culloh,' and the third giving 'duties intended by the Treasury.' On the back of the last sheet is the important indorsement, '10th October 1763, was presented to Mr. Greenvill, who approved it' (Addit. MSS. 35,910, p. 137). In another volume of the *Hardwicke Papers* there is a further paper relating to the same transaction, and dated only two days later. It is entitled 'Minutes and observations taken in conference with Mr. M'Culloh upon considering of his scheme for an American Stamp law. To be considered with the said scheme by the Board of Stamps, pursuant to the [Treasury] Commissioners' order, dated 30th September 1763, in order for the perusal of the Lords Commissioners of the Treasury.' This paper is indorsed 'Draft of conference with Mr. M'Culloh, 12th October 1763. Copy for the Board [of Stamps]' (Addit. MSS. 36,226, p. 357).

It

It must be clearly borne in mind that what is here asserted as to Henry M'Culloh's responsibility for the proposal of an American Stamp Act, relates only to the actual introduction of that proposal into the domain of practical politics. As to how far the idea was in very truth an invention of his at this time, or was an adaptation by him of older proposals of which he may have been cognisant in his official career many years before, we cannot say. But in all such matters the name which the Muse chronicles for fame or infamy in the temple of human history is not that of the inventor who first originates an idea, but that of the practical man who first brings that idea into direct relation with the needs of this or that particular conjunction of events in human life. For this reason Henry M'Culloh is justly entitled to the fame or infamy of being the one man responsible for the proposition which led to the revolt of the American Colonies.

WM. A. SHAW.

The original manuscript from which the present tract is printed was purchased at Sotheby's. It formed Lot 407 in the sale of Feb. 17, 1905. The previous history of the MS. I have been quite unable to trace. It is now in the possession of the publisher.

MISCELLANEOUS REPRESENTATIONS

RELATIVE TO

Our Concerns in America

IN Order to form a right Judgment of the Importance of Canada, with reſpect to it's Trade and Commerce, it may be proper to conſider an Eſtimate of the Profits which heretofore accrued to France, from the ſaid Commerce.

The Furr and Skin Trades was farmed out to particular Perſons, who

who thereby had an exclusive Right to the said Trade; and the Courieurs des Bois acted under Licenses, which they purchased from them: the Amount of which Trade, according to the best Information I have been able to get, was one Year with another, about £240,000.

Their Trade in Shipbuilding, Corn, Tobacco, and Lumber, sent to France and to their Islands, amounted to about £180,000 per Ann.

Their Fishery at Cape Breton, the Coasts of Gaspesie, and the Coasts of Newfoundland, amounted to upwards of £400,000 more per Ann.

The Freight upon all the aforesaid Trade, upon a moderate Computat[n] amounted to upwards of £220,000 per Ann. And there were annually employed in the said

ſaid Fiſhery and Trade, upwards of 9000 Seamen.

In this View of the French Trade from Canada and the Parts adjacent, it will be found, that, after all the immenſe Expence the French Government put themſelves to, in ſupporting that Colony, the principal Advantages ariſing to them therefrom was in the Fiſhery, and in having a large Nurſery for Seamen: But their Views extended further, as their Deſign was to form a Line of Communication between Canada and Miſſiſippi; and if poſſible afterwards to open ſome Ports upon the Weſtern Ocean. But as they have miſcarried in thoſe Views; and that we have now the Government of Canada in our Poſſeſſion, it may be proper to inquire into the Situation of the French in the Miſſiſippi or Louiſiana Government, and to endeavour to demonſtrate,

ſtrate, that, if they even ceded to us the whole Governm^{t} of Canada, and afterwards exerted their whole Force in the Louiſiana Government, they would be ſtill able to annoy us, and to carry on a large and extenſive Trade with the Indian Nations, which border upon the 5 Great Lakes, as well as thoſe which lie between the Miſſiſippi and the Apalatian Mountains.

Before the French made any Settlement on the Miſſiſippi, the Indian Trade as before obſerved was farmed out to private Perſons who reſided in the Canada Government; and ſeveral of thoſe Farms were hereditary: which excluded thoſe in the Miſſiſippi Government from having any Share in the Trade in Skins and Furrs with the Ouabacs; the Illineſe; the Kikapeſe; the Puants; the Outagameſe; the Malamoneſe

Malamoneſe ; or any of the Indian Nations to the North and North Eaſt of the Miſſiſippi. But it is to be preſumed that if the French ceded to us the whole Government of Canada, they would renew their Licences to ſuch as live in the Province of Louiſiana, and uſe all the Methods in their Power to cultivate a Friendſhip with the ſaid Indians. And conſidering the great Emnity that has always ſubſiſted between the Nations of Indians in their Intereſt, and in ours, it is more than probable that the French would be ſtill able to continue the ſaid Indians in their Intereſt ; and to make uſe of them in annoying our Frontier Settlements, unleſs we fortify and navigate three of the 5 Great Lakes ; which may be a good and effectual Means, under proper Regulations in the

the Indian Trade, to draw ſeveral of the ſaid Indians into our Views and Intereſt.

In this Light as conceived it will appear, that, if the French are left in Poſſeſſion of Louiſiana, our having Poſſeſſion of Canada will not free our Frontier Settlements from being annoyed by the Indians, unleſs we regulate our Commerce with them, and fortify the Lakes: and that if wee have Poſſeſſion of the Lakes and the Territories belonging thereto, and alſo the whole Province of Acadia, the Remainder of Canada excluſive of the Fiſhery is not an Object of any great Moment to this Kingdom.

Guardeloupe is an Iſland of great Importance, and capable of Improvement; and yet if it ſhould be ceded to us, the French Settlers having a Right to all the Lands in ſaid

ſaid Iſland, and being from their religious as well as political Principles ſtrongly prejudiced in favour of France, great Part of the Advantages ariſing from ſaid Iſland would from thoſe Cauſes center in France; and many Kinds of French Commodities might be introduced among them by means of their Connections with the neighbourg French Iſlands. And it might not only have an ill Effect in this Reſpect, but the ſd Iſland might alſo be made a Storehouſe for the Introduction of many French Goods amongſt the Engliſh Settlements in the Weſt Indies, and on the Main of America. Therefore, I apprehend that if the 4 neutral Iſlands of St. Lucia, St. Vincent, Dominica, and Tobago (in which we have a Foundation of Right) were entirely ſurrendered to us, it might have a better Effect, than even the keeping

of

of Guardeloupe upon the aforeſaid Terms. And if the Lands ſettled by the French in the ſaid Iſlands were diſpoſed of, in the Manner the French Lands were in St. Chriſtophers, they wou'd produce ſeveral hundred thouſand Pounds to the Crown.

Goree and Senegall are not of that Importance the Public conſidered them at firſt, yet, in many Reſpects, it might be for our Intereſt to continue them in our Poſſeſſion; but if it is thought neceſſary upon any future Treaty to ſurrender them to the French, as humbly conc^{d}, great Care ſhould be taken to word it, ſo as to prevent the French from claiming an excluſive Right of trading along that Coaſt. And as the French have for many Years claimed an excluſive Trade to the Gum Coaſt, great Care ſhould likewiſe

wiſe be taken to regulate their Pretenſions on that Head.

The Acquiſitions we have made in the Eaſt Indies, are of great Importance, even more than is generally conceived. For, as we are enlarging our Settlements in America, and as the Planters there, as they grow rich, increaſe in Luxury and Expence, it will be found, that America will in time be a moſt profitable Mart for the Commodities of the Eaſt, and that vaſt Quantities of them will be conſumed there.

Under this general View of Things it will appear evident, that as a trading Nation, it is our Intereſt to preſerve Part of moſt of the Acquiſitions we have made, and not to be content with any one Part, (ſuch as Canada) in conſideration of all the Reſt. Eſpecially,

as the enlarging our Footing in diſtant Parts of the World will enlarge our Navigation, and aſſiſt us in our general Commerce by making one Part of Uſe in the Improvement of another.

By the Treaty of Utretch, there was a great Enlargement intended to our Territories in America; by allowing us all the Lands which of right then belonged to the 5 Indian Nations, which included the 5 Great Lakes and the Territories thereunto belonging: but by neglecting to form a Syſtem in American Affairs, all the Advantages which might have ariſen to us, by wiſe and proper Regulations, were loſt; and the French were thereby encouraged to make thoſe Incroachments which gave riſe to the preſent War. Therefore as the want of Syſtem was the main Inlett to the preſent War, if we do not regulate,

regulate, or eſtabliſh a proper Courſe or Rule of Proceeding, all the Advantages we fondly hope for, will vaniſh into Air. And in the Conſideration of this Point, there are ſeveral Matters to be attended to, which have a neceſſary Connection with, and Dependance upon each other. So, that if any one Part is neglected, the whole may fall to the Ground.

The 1st is, To aſcertain our Bounds in America, and to have the Sovereignity of the Indians, who fall within the ſaid Bounds.

Secondly, To form a Syſtem in Indian Affairs, in regulating the Trade carried on with them; in which, particular Care ought to be taken to have all the Colonies act upon one Syſtem. And as it will require conſiderable Sums to make Preſents to the Indians, and to put thoſe Concerns upon a proper Footing,

Footing, it will be abſolutely neceſſary to eſtabliſh proper Funds in America, by a Stamp Duty on Vellum and Paper; and alſo by regulating and lowering the Duties upon French Rum and Molaſſes.

Thirdly, If Funds are eſtabliſhed to anſwer the Expence of the Government in America, it will be alſo neceſſary to regulate the Currency in the reſpective Colonies, and to have it the ſame in all. And if this is done, it becomes equally neceſſary, to regulate the Courſe to be obſerved in collecting and accompting for the Revenues in America; as there are at preſent Openings for many ſhamefull Abuſes.

Fourthly, As all leſſer Syſtems muſt depend upon the Syſtem obſerved in the Mother Country, nothing propoſed can have it's due Effect, unleſs the Offices abroad are

ſo

ſo regulated as to tranſmit every Matter of Importance, either with reſpect to the Revenue or any other Matter in America, to the Plantation Office: And then, the Succeſs of the whole depends upon the R^t Hon^bl the Lords of Trade and Plantations making a due and full Report to the Crown of all Matters that come under their Inſpection. For, if the Channels of Information can be obſtructed, or varied by different Modes of Application, it will leave Room for Connections which may defeat the whole of what is propoſed.

Fifthly, In the forming of new Syſtems of Government in diſtant Colonies, many Difficulties may ariſe with reſpect to the Prerogatives of the Great Boards here; therefore, as humbly conceived, if anything of this Nature takes effect, it muſt ariſe from the Wiſdom and Goodneſs

Goodneſs of the Sovereign, in appointing a Special Committee for thoſe Purpoſes.*

The Syſtem of the Great Offices here, with reſpect to America, ought likewiſe to be attended to; for, if our Courſe of Proceeding at Home is found to be irregular, it is impoſſible to redreſs the Grievances compl^{d} of in America. Whereupon I pray leave to obſerve, that by the Syſtem or Courſe of Proceeding in the Exchequer, the Lord High Treaſurer or Treaſury [Lords] when in Commiſſion, have not (as h^{bly} conc^{d}) a Power to take Cognizance of any Matter but what is properly within the View of the ſaid Court. And from this Cauſe it was, that all the Officers employed in the Collection of the Revenues

* In 1667, Special Committees were appointed for Matters of State and Grievances, and if renewed may be of Infinite Uſe in eſtabliſhing a System of Action in American Affairs.

Revenues of the Crown in Normandy, were obliged to accompt in the Exchequer; as the Lord High Treaſurer was not at that Time thought to have any Power or Direction over ſuch Officers as were not brought within the View of the s^d^ Court. But from Cuſtom of long ſtanding, and from the Want of forming a Syſtem in American Affairs, the Receivers of His Majeſty's Chief Rents in America, and the Auditor General of the Plantations are not brought within the View of the Exchequer, nor is there any regular Check or Reſtraint upon the ſaid Officers, ſo as effectually to guard the Revenues of the Crown, and the Property of the Subject. And there are Openings left whereby they may be at liberty to do many Acts both prejudicial to the Rights of the Crown, and thoſe of private Perſons.

Now

Now as the Auditor General of the Plantations, and the Receivers of His Majeſty's Chief Rents in America, do not give in Bond in the Exchequer for the due Execution of the Truſt repoſed in them; nor bring in their Accompts to be paſſed and cleared according to the Rules of the ſaid Court, it puts it in the Power of the ſaid Officers, to oppreſs and harraſs ſuch Perſons as may be liable to their Reſentment. A recent Inſtance of which may be given in a preſent Attempt agst me.

There is another Thing, which as humbly conceived, ought to be carefully attended to, and which has hitherto ſtood in need of great Redreſs; viz^{t} That in Petitions of Complaint ariſing in America, there is no ſettled Courſe of Proceeding with reſpect to the Method or Form which ought to be obſerved.

As

As they are at preſent uſually referred, and put into a Courſe of Juſtice, without firſt examining (which as conceived, ſhould always be done) whether the Perſons preferring the Complaints are properly Parties, and aggrieved by the Matters complained of; or in Caſe the Complaint ariſes from Officers of the Crown, whether the Matters complained of come properly within the View of their reſpective Offices. The Omiſſion of which previous Examination is often productive of great Injury to the Innocent; and leaves an Opening for many litigeous and ill diſpoſed Perſons to injure ſuch as are expoſed to their Reſentment. For altho' the Matters may be really falſe, yet the Delay and Expence given in getting rid of ſuch falſe Charges, may prove ruinous to the Innocent Party accuſed. And for

this Evil, there is not, as I know of, any Remedy or Compenſation: For the Courts of Law in the Plantations cannot take Cognizance of a Matter which has undergone the Conſiderat^{n} of the Council Board; nor does His Majeſty in Council ever grant Damages in thoſe Caſes to the Party aggrieved; nor do Matters of this Nature come within the Rules or Redreſs of our Courts of Law here. And this Courſe of Proceeding has ſtill a further ill Tendency: For when Factions are raiſed againſt His Majeſty's Governors in the Plantations, if ſuch factious Perſons proceed in an undue and irregular Manner, it is in fact a Suſpenſion of the Gov^{rs} Power, and obſtructs him in the Execut^{n} of his Duty. Therefore if the Complaints againſt Governors ariſe only from ſuch as have received no immediate

Damages

Damages thereby; or if the Matters complained of are only from looſe and general Suggeſtions, in theſe Caſes, as humbly conc[d], there ſhould be the greateſt Care taken to diſcountenance and ſilence ſuch Reports, and to put a ſtop to them in the firſt Inſtance. But, on the other Hand, if any Perſons were really injured by the Gov[rs] acting contrary to his Inſtructions, or by his obſtructing the due and legal Courſe of Buſineſs, the Subject ought to meet with Encouragement and Releif. But in order to do this, and to diſtinguiſh properly between thoſe who have been oppreſſed, and thoſe who act from factious Principles, all Complaints ſhould be originally lodged at the Plantation Office, where the Records from the Plantations are ſuppoſed to center. And this ſeems to have been the Intention of Lord Sommers in his

his Plan of a Board of Commerce, and of the Crown in making all the principal Officers of State extra Members of the ſaid Board.

The preferring of Petitions of Complaint to His Majeſty in Council, or to the King by the Hands of the Secretary of State, and afterwards referring them to the Plantation Office, may in many Caſes have an ill Effect, as it is apprehended, that the R^t Hon^bl the Lords for Trade and Plantation, are thereby in a great Meaſure limited with reſpect to their Report: As they have not, (and as humbly conc^d cannot upon thoſe Occaſions) reported upon any Matter that is not within ſuch References. But in the other Courſe of Proceeding, as their Lordſhips would judge by the Records, they would be able to diſtinguiſh properly between Complaints which ariſe from Oppreſſion

preſſion, and thoſe which ariſe from factious Principles.

By a Statute of 38th Edward the 3d, Chapt. the 9th, it is enacted, that whoſoever made Complaints to the King, and could not prove them againſt the Defendant, ſhould be impriſoned, until he ſatiſfied the Damages and the Slander ſuffered upon ſuch Occaſions, and after make Fine and Ranſom to the King. There is likewiſe a Statute of the 11th and 12th Wm the 3d for the Puniſhment of bad Conduct in His Majeſty's Govrs which wants much to be explained. The firſt-mentioned Statute cannot now be put in force, becauſe ſuch Matters were originally determinable before the King in Council, or before the Star Chamber. But theſe Acts, if renewed and enforced, under proper Regulations, might have an exceeding good Effect with reſpect

to

to the Courſe of Proceeding in Complaints preferred to His Majeſty in Council. And if the Regulations above mentioned are carried into Execution, it will be likewiſe neceſſary to obtain a Law to enable the Sovereign to puniſh all ſuch Officers of the Crown as deviate from their Duty under ſuch Regulations.

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